

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re: Teddy B. Goodrich,
Debra M. Goodrich,
Debtors.

Case No.: 14-32118-KLP
Chapter 13

ORDER GRANTING MOTION

AVOIDING LIEN ON DEBTORS' RESIDENCE

Upon consideration of the Debtors' Motion to Avoid a Judicial Lien, and the pleadings and documents filed in the case, and good cause being shown therefor, it is

ORDERED:

1. This Court has subject matter jurisdiction based upon 11 U.S.C. § 522(f).
2. Judgment Lien Creditor, The Rector and Visitors of the University of Virginia, a corp. t/a University of Virginia Medical Center, an agency of the Commonwealth of Virginia, and David A. Von Moll, Comptroller (hereinafter referred to as "Creditor"), was properly served and this Court has personal jurisdiction over all Parties.
3. The Motion to Avoid the Judicial Lien is hereby granted.
4. Debtors are the owners of certain real property and improvements thereon known as 360 Double Bridges Road, Keysville, Virginia 23947, ("the real property"), said real property being more particularly described as:

SCHEDULE A

PARCEL 1

All that certain tract or parcel of land located in Pleasant Grove District, Lunenburg County, Virginia, on the south side of Virginia State Route No. 626, 1.997 acres, more or less, on which the trailer of Teddy B. Goodrich, Jr., is located and further described as follows: Beginning at an iron stob on the south side of State Route No. 626 at the corner with George F. Haag and Joyce J. Haag with said point seen on a plat dated January 30, 1988, by Trent Land Surveying and seen in Plat Cabinet 1 at Folder 228 of the Clerk's Office of the Circuit Court of Lunenburg County, thence running down the Haag line as shown on said Plat and away from State Route No. 626 southeast for 229 feet to a stob on the Haag line, thence running at right angles and running northeast in a straight line for 380 feet to an iron stob, thence again running at right angles northwest for 229 feet in a straight line and passing to the east of a trailer around twenty feet to a stob on the southside of Virginia State Route No. 626, thence following the southern boundary of State Route No. 626 west for 380 feet to an iron stob at the corner with Haag, the place and point of beginning. ✓

This being a small portion of a tract of land deeded and conveyed to T. B. Goodrich and Lizzie Mae, husband and wife with survivorship from Russell Mills, unmarried, by deed dated November 7, 1952 and recorded in the Clerk's Office of the Circuit Court of Lunenburg County, Virginia, in Deed Book 93, at page 347. The said T. B. Goodrich died intestate in 2000 and the title was inherited by his wife, Lizzie Mae Goodrich through survivorship. The said Lizzie Mae Goodrich died intestate in 2005 and the title was inherited by their six children, namely: Jerry Goodrich, Brenda Traylor, Tommy Goodrich, Diane Jackson, Teddy B. Goodrich, Jr. and Patricia Childress. By deed of gift dated February 6, 2007, and recorded in the aforesaid Clerk's Office in Deed Book 323, page 934 Jerry B. Goodrich, et als, conveyed the above described property to Teddy B. Goodrich, Jr. and Debra M. Goodrich, husband and wife, with the right of survivorship .

PARCEL 2.

All that certain tract or parcel of land, lying and being in Pleasant Grove Magisterial District, Lunenburg County, Virginia, containing 53/100 (0.53) ACRES, more or less, as shown and described as Parcel B on a survey

prepared by Crutchfield & Associates, Inc., dated March 29, 2007, revised April 4, 2007, said survey being recorded in Plat Cabinet 4, Page 94, with reference being made thereto for a metes and bounds description of the property hereby conveyed. Being a portion of the property conveyed unto T. B. Goodrich and Lizzie Mae, Husband and wife with survivorship from Russell Mills, unmarried, by deed dated November 7, 1952, and recorded in the Clerk's Office of the Circuit Court of Lunenburg County, Virginia, in Deed Book 93, Page 347. The said T. B. Goodrich died intestate July 25, 2000; whereby Lizzie Mae Goodrich became the fee simple owner of said property. The said Lizzie Mae Goodrich died intestate May 12, 2005, survived by her six children, namely: Jerry Goodrich, Brenda G. Traylor, Tommy Goodrich, Dianne G. Jackson and Teddy B. Goodrich, Jr. and Patricia Childress. It being also the identical property conveyed by deed of gift from Jerry Goodrich, et als, dated April 4, 2007, and recorded in the aforesaid Clerk's Office in Deed Book 325, Page 318.

5. On or before 3/13/2004, creditor obtained a judicial lien against the Debtor in the amount of \$29,082.97 at 6.0% interest from 12/19/2013 plus interest of \$1,113.92 from 4/30/2013 and Attorney fees of \$4,362.45.
6. Said lien was entered of record in the Clerk's Office for the Circuit Court of Lunenburg County, Virginia on 3/13/2014 as Instrument No. 140000042.
7. Said lien impairs their exemptions claimed in the aforesaid property which was exempted in their Chapter 13 bankruptcy schedules to the following extent:
 - a. Value of Debtors' interest in property is \$63,600.00;
 - b. Deed of Trust security interest in property: With a current balance as of the time of filing of \$39,656.56;
 - c. Debtors have exempted \$12,718.00 of their interest in the equity in the property in Schedule C of their bankruptcy petition, and have provided for the payment of \$11,225.44 at 4.25% through their Chapter 13 plan which was confirmed on December 11, 2014, leaving the balance of the judgment unsecured.
8. The existence of Creditor's lien in the amount of \$29,082.97 at 6.0% interest from 12/19/2013 plus interest of \$1,113.92 from 4/30/2013 and Attorney fees of \$4,362.45 on Debtors' real property impairs exemptions to which the Debtors would be entitled under 11 U.S.C. §522(b).

9. The BALANCE of the lien (\$23,630.31) which is not being paid as secured through the Chapter 13 plan is unsecured and is hereby voided.

10. The lien avoidance decreed by this order shall be effective upon receipt by the Debtors of a discharge under 11 U.S.C. § 1328, and shall extinguish automatically, without further court order, upon entry of the Debtors' discharge in the Chapter 13 case.

11. The unsecured BALANCE (\$23,630.31) of Creditor's claim shall be allowed as an unsecured claim and treated as such under the Debtors' Chapter 13 Plan.

IT IS FURTHER ORDERED that The Rector and Visitors of the University of Virginia, a corp. t/a University of Virginia Medical Center, an agency of the Commonwealth of Virginia, and David A. Von Moll, Comptroller, shall release its lien within thirty (30) days from Notice of entry of Debtor's Discharge. Debtors may record this Order and the Discharge, upon entry, with the Clerk of the Circuit Court for the County of Lunenburg, Virginia.

The Clerk will mail a copy of this Order to the parties listed below.

Date: Feb 27 2015

/s/ Keith L. Phillips

United States Bankruptcy Judge

Notice of Judgment or Order entered on docket: Feb 27 2015

I ASK FOR THIS:

/s/ Robert R. Duke Jr.

Robert R. Duke Jr., VSB#74070
Counsel for Debtors
THE AMERICA LAW GROUP, INC.

T/A THE DEBT LAW GROUP
207 A South Main Street

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Local Rule 9022-1(C) Certification

The foregoing order was endorsed by and/or served on all necessary parties pursuant to Local Rule 9022-1(C).

/s/ Robert B. Duke Jr.
Robert B. Duke Jr.

PARTIES TO RECEIVE COPIES:

US Trustee

By ECF Transmission

Suzanne E. Wade, Trustee

By ECF Transmission

The Rector and Visitors of the University of Virginia

a corp. t/a University of Virginia Medical Center

ATTN: George Keith Martin, Rector

One James Center

901 East Cary Street

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The Rector and Visitors of the University of Virginia

David A. Von Mull, Comptroller

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